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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

DEC 23 2009

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

DOCKETED BY

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IN THE MATTER OF THE APPLICATION
OF COMPUTER NETWORK TECHNOLOGY
CORPORATION TO SURRENDER THE
OPERATING AUTHORITY TO PROVIDE
COMPETITIVE PRIVATE LINE SERVICES IN
ARIZONA.

DOCKET NO. T-04221A-07-0685

DECISION NO. 71438ORDER

Open Meeting
December 15 and 16, 2009
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Computer Network Technology Corporation ("CNTC" or "Company") has a Certificate of Convenience and Necessity ("Certificate") to provide competitive private line services in Arizona pursuant to Decision No. 67123 (July 14, 2004).

2. On December 13, 2007, the Company filed with the Commission an application for cancellation of its Certificate ("Application").

3. On March 14, 2008, CNTC supplemented its Application.

4. On July 21, 2008, the Commission's Utilities Division Staff ("Staff") filed its Letter of Insufficiency and First Set of Data Requests.

5. On July 31, 2008, CNTC responded to Staff's data requests.

6. On October 30, 2009, Staff filed its Staff Report recommending approval of CNTC's Application.

7. According to Staff, CNTC does not currently provide and has not recently provided any intrastate services to customers in Arizona. Staff stated that a review of the Company's 2004,

1 2005, and 2006 Annual Reports indicates that CNTC did not provide service or receive revenue in
2 Arizona. Staff verified that the Company did not collect advances, deposits and/or prepayments.

3 8. The Commission's Consumer Services Section of the Commission's Utilities Division
4 reported that there have been no customer complaints, inquiries or opinions against the Company
5 from January 1, 2006 through July 6, 2009. Additionally, Staff noted that its review of the
6 compliance database indicates CNTC has no compliance delinquencies.

7 9. Staff stated that CNTC's authority to do business in Arizona was revoked on May 8,
8 2009, for failure to file its Annual Report with the Commission's Corporations Division.

9 10. The Company did not comply with the terms of A.A.C. R14-2-1107, requiring the
10 Company to provide notice to customers of its discontinuation of service, a plan for the refund of
11 deposits, a list of alternate providers, and to publish notice of the Application. However, Staff
12 asserted that, because the Company did not have any customers in Arizona at the time CNTC's
13 Application was filed, the provisions of A.A.C. R14-2-1107 should be waived.

14 11. As discussed in Decision No. 67404 (November 2, 2004), it would render A.A.C.
15 R14-2-1107 meaningless and would run afoul of the rule's intent and plain language to exempt a
16 Company from the requirements of the rule because it has no customers due to its discontinuation of
17 service. However, as discussed in that Decision, the intent of the rule is to ensure that existing
18 customers have advance notice of a telecommunications provider's pending plan to discontinue
19 service such that they will be afforded an opportunity to procure service through an alternative
20 provider prior to such discontinuance.

21 12. The Company has no Arizona customers and did not collect any advances, deposits
22 and/or prepayments. Under these circumstances, the requirements of A.A.C. R14-2-1107 should be
23 waived.

24 13. Staff recommends approval of CNTC's Application.

25 14. Staff's recommendation is reasonable and should be adopted.

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CONCLUSIONS OF LAW

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2 1. The Company is a public service corporation within the meaning of Article XV of the
3 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

4 2. The Commission has jurisdiction over the Company and the subject matter of the
5 Application.

6 3. The cancellation of the Company's Certificate is in the public interest.

7 4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding
8 Certificates of Convenience and Necessity for certain telecommunication services without a hearing.

9 5. The requirements of A.A.C. R14-2-1107 should be waived in this case.

10 6. Staff's recommendation is reasonable and should be adopted.

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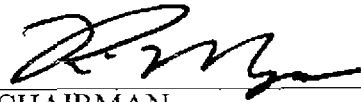
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ORDER

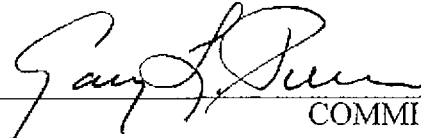
IT IS THEREFORE ORDERED that the Application of Computer Network Technology Corporation for the cancellation of its Certificate of Convenience and Necessity to provide competitive private line services in Arizona is hereby approved and its Certificate of Convenience and Necessity is cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.



CHAIRMAN



COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 23rd day of December, 2009.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR:

COMPUTER NETWORK TECHNOLOGY
CORPORATION

2
3 DOCKET NO.:

T-04221A-07-0685

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